

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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No. 05-30032-RCL

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UNITED STATE OF AMERICA

v.

LUIS RIVERA,  
Defendant

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**JOINT STATUS REPORT**

The parties have conferred with each other and with the Probation Department and report as follows:

- A. The parties agree that the defendant is eligible for reduction of sentence in accordance with 18 U.S.C. § 3582.
- B. The Amended Offense Level is 17, CHC I, and the Amended Guideline Range is 24 to 30 months.
- C. The defendant contends that the sentence should be 24 months, the low end of the guideline range. The government contends that the new sentence should be 30 months, the high end of the guideline range. The defendant contends that the new sentence, to be entered in AO 247, should be time served. Otherwise, the Bureau of Prisons will take several extras days to re-calculate his sentence, thereby delaying the defendant's release.
- D. No hearing is necessary. The defendant does not seek to appear either in person or via video conference.

E. The earliest projected release date based on the low end of the revised guideline calculation is today. The projected release date before the reduction is December 19, 2008. The contemplated reduction if the court sentences defendant to the low end of the amended guideline range is from 37 to 24 months.

F. There are no disputed legal issues that require briefing.

G. No transcript is needed.

H. There is no plea agreement.

Respectfully submitted

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Paul Smyth  
PAUL HART SMYTH  
Assistant U.S. Attorney  
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The defendant Luis Rivera  
By his attorney

/s/ Charles W. Rankin

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**CERTIFICATE OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the NEF and paper copies will be sent to those indicated as non-registered participants on March 13, 2008.

/s/ Charles W. Rankin

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Charles W. Rankin